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TO:	Examiner Basi	FROM:	SHELLY GUEST CERMAK
FAX:	703.872.9306	REF. NO:	US-1280
VOICE:		PAGES	3 (incl. this sheet)
App. No.:	09/868,338	DATE:	August 2, 2004

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- 1) Request for Refund under 37 C.F.R. §1.26



Shelly Guest Cermak
Registration Number 39,571

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Kanno et al.

Art Unit: 1646

Application No.: 09/868,338

Examiner: Basi

Filing Date: June 18, 2001

Attorney Ref. No.: US-1280

For: ABC TRANSPORTER AND GENE
ENCODING SAME**REQUEST FOR REFUND OF ERRONEOUSLY CHARGED FEE**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


This is a timely-filed request for a refund for fees erroneously charged to our deposit account 50-3077 under 37 C.F.R. §1.26 in the above-captioned application. The fee of \$258 was charged on July 27, 2004 to our deposit account 50-3077 under fee code 1201 (independent claims in excess of three). The amendment filed on July 9, 2004 contained 13 total claims remaining after the amendment, 6 of which are independent. Seven total independent claims were previously paid for (4 extra) when the application was filed on June 18, 2001. No fee was due, therefore, when the July 9, 2004 amendment was filed since no additional independent or dependent claims in excess of those previously paid for were added. Therefore, a refund of the \$258 is respectfully requested to be credited to our deposit account.

Att'y Dkt. No. US-1280

U.S. App. No: 09/868,338

Respectfully submitted,

By:


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